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HAWAII HEALTHCARE
PROFESSIONALS, INC.

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 28 2011
at 9 o'clock and 30 min. A.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

HAWAII HEALTHCARE
PROFESSIONALS, INC., A/K/A
HAWAII PROFESSIONAL
HOMECARE SERVICES, INC. and
Does 1-10 Inclusive.

Defendants.

) CASE NO.: 1:10-cv-00549 BMK

) DEFENDANT HAWAII

) HEALTHCARE PROFESSIONALS,

) INC.'S ANSWER TO COMPLAINT

) FILED ON SEPTEMBER 27, 2010;

) CERTIFICATE OF SERVICE

DEFENDANT HAWAII HEALTHCARE PROFESSIONALS, INC.'S
ANSWER TO COMPLAINT FILED ON SEPTEMBER 27, 2010

COMES NOW Defendant Hawaii Healthcare Professionals, Inc.

("Defendant HHPI"), by and through its undersigned counsel, and hereby submits

its answer to Plaintiff U.S. Equal Employment Opportunity Commission's

(“Plaintiff EEOC”) Complaint filed on September 27, 2010 as follows:

FIRST DEFENSE

1. The Complaint fails to state a claim against Defendant HHPI upon which relief can be granted.

SECOND DEFENSE

2. Defendant HHPI admits the allegations contained in Paragraph 1 of the Complaint.

3. Defendant HHPI denies the allegations contained in Paragraphs 5, 6, 9, 10 (and sub-paragraphs a through e inclusive) and 11 of the Complaint.

4. In response to Paragraphs 2, 3, 7 and 8, Defendant HHPI is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny them.

5. In response to Paragraph 4 (and every part of the Complaint where Defendant HHPI is described as “a/k/a” Hawaii Professional Homecare Services, Inc., including the caption, the preamble, and Paragraphs 4, 5), Defendant HHPI is incorrectly described in the Complaint as being “also known as” Defendant Hawaii Professional Homecare Services, Inc. (“Defendant HPHS”), and Defendants HHPI and HPHS are alternatively and incorrectly described sometimes as a single business entity, which Defendant HHPI denies, and sometimes as two

separate business entities. Defendant HHPI admits that it is a Hawaii corporation, but denies all remaining allegations contained in Paragraph 4.

6. Defendant HHPI denies all allegations of the Complaint not specifically addressed herein.

THIRD DEFENSE

7. Defendant HHPI fully complied with all applicable statutory and regulatory requirements.

FOURTH DEFENSE

8. Defendant HHPI did not violate any statutory, regulatory, statutory or common law duty.

FIFTH DEFENSE

9. Plaintiff EEOC has failed to exhaust its administrative remedies.

SIXTH DEFENSE

10. Plaintiff EEOC's claims are barred by the doctrine of laches.

SEVENTH DEFENSE

11. Plaintiff EEOC's claims are barred by the defense of justification.

EIGHTH DEFENSE

12. Plaintiff EEOC has failed to name an indispensable party.

NINTH DEFENSE

13. Plaintiff EEOC's claims fail in whole or in part due to the conduct of other parties.

TENTH DEFENSE

14. Plaintiff EEOC's claims are barred, in whole or in part, by the conduct, negligence and/or other fault of Plaintiff EEOC, the Complainant and/or their agents.

ELEVENTH DEFENSE

15. Plaintiff EEOC's claims are barred by their failure to adequately investigate or by other fault of their own or their agents.

TWELFTH DEFENSE

16. Plaintiff EEOC's claims are barred by the statute of limitations.

THIRTEENTH DEFENSE

17. Plaintiff EEOC is barred from maintaining this action against Defendant HHPI because Defendant HHPI was not the legal and/or proximate cause of the damages alleged, if any.

FOURTEENTH DEFENSE

18. Plaintiff EEOC's claims are barred by the defense of accord and satisfaction.

FIFTEENTH DEFENSE

19. Plaintiff EEOC and/or the Complainant has failed to mitigate their damages, if any.

SIXTEENTH DEFENSE

20. Plaintiff EEOC is barred from maintaining this action against Defendant HHPI because the Complainant failed to adequately perform the duties and responsibilities of her employment with Defendant HHPI.

SEVENTEENTH DEFENSE

21. Equitable relief should be denied herein on the grounds of unclean hands.

EIGHTEENTH DEFENSE

22. The claims alleged are barred in whole or in part by the good faith of Defendant HHPI.

NINETEENTH DEFENSE

23. Plaintiff EEOC's claims are barred based on a breach of the implied covenant of good faith and fair dealing.

TWENTIETH DEFENSE

24. Plaintiff EEOC's claims are barred based on the improper collusion/conspiracy and/or the negligent or intentional misrepresentation of third-parties for the improper purpose of financial gain without valid basis.


TWENTY-FIRST DEFENSE

25. Defendant HHPI gives notice that it intends to rely upon any other matter constituting an avoidance or affirmative defense as set forth in Rule 8(c) of the Federal Rules of Civil Procedure, and that it intends to seek leave to amend this Answer to allege those defenses of which they may become aware during the course of discovery or trial of this action.

WHEREFORE, Defendant HHPI prays:

- A. That the Complaint against it be dismissed with prejudice and that judgment be entered in its favor;
- B. That it be awarded its reasonable attorney's fees and costs; and
- C. That it be awarded such other and further relief as the Court deems just and appropriate under the circumstances.

DATED: Honolulu, Hawaii, January 28, 2011.



CHRISTOPHER A. DIAS
Attorney for Defendant
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PROFESSIONALS, INC.

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CERTIFICATE OF SERVICE

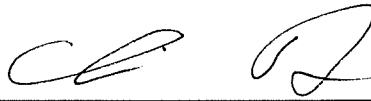
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document will be duly served by United States Mail, first class postage prepaid, to the party below on the date indicated herein.

MICHAEL J. FARRELL, ESQ.
255 E. Temple Street, 4th Floor
Los Angeles, California 90012

Attorney for Plaintiff
U.S. EQUAL OPPORTUNITY COMMISSION

DATED: Honolulu, Hawaii, January 28, 2011.

A handwritten signature in black ink, appearing to read 'C. Dias', is positioned above a horizontal line.

CHRISTOPHER A. DIAS
Attorney for Defendant
HAWAII HEALTHCARE
PROFESSIONALS, INC.